

**Notice of Allowability**

Application No.

10/825,137

Examiner

Bryan Bui

Applicant(s)

GOPAL, RAVI B.

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/16/2004.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ The drawings filed on 16 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 11/1/04&12/1/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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1. **An examiner's amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. H. Samuel Frost on 6/22/2005.

The application has been amended as follows: Please enter a new Abstract to replace the old one as follows:

--Some embodiments of the present invention provide a system and method that incorporates a call to an alarm recovery sequence into a safety system for use within a fuel cell testing system. In other embodiments of the present invention there is provided a safety system and method, for use within a fuel cell testing system, which is able to suspend a fuel cell testing trail and initiate an alarm recovery sequence upon detecting that a corresponding alarm threshold has been violated. The safety system and method is then able to restart the trail if it is determined that the alarm recovery sequence was successful, in that the process and operating parameters that violated the particular alarm threshold have been brought back to within a safe operating range--.

2. The following is an examiner's statement of reasons for allowance:

Claims 1-23 are allowable over the prior art of record. None of the prior art discloses or suggest the **claimed combination** as recited, especially when these

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limitations are considered within the specific combination, particularly require in method and testing system: a computer usable medium having computer readable code means embodied therein for causing the safety system to suspend the fuel cell testing trial when the at least one alarm threshold has been violated and subsequently to initiate a corresponding alarm recovery sequence for a violated alarm threshold and instructions for recording and evaluating measured process and operating parameters in order to determine whether the at least one alarm threshold has been violated (claim 1); evaluating the at least one process and operating parameter to determine whether at least one alarm threshold has been violated by the at least one process and operating parameter and suspending the fuel cell testing trial if at least one alarm threshold has been violated, and initiating an alarm recovery sequence (claim 16).

Claims 2-15 and 17-23 are allowable as dependency to the parent claims.

The closest prior art (US 20020197522) discloses a computer code suitable for operation in the processor corresponding to the operating of the parameters (paragraph 0142) and determine if VFC is above both voltage level 3, and above voltage level 2, then program executing within the processor determine the operation of the fuel cell (paragraph 0140).

The prior art (US 20040175598) discloses fuel cell power supply, and computer program product for monitoring and controlling fuel cell based on power supply and powered information (abstract) and providing load test routine applies a load to the fuel cell, read the voltage for VFC, remove the load, check for a change in VFC to indicates

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the fuel cell is pass or did not pass the load test with a flag indicating of test, and then returns (paragraph 0120).

None of the prior art of record discloses the claimed combination as recited in singularly or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is 571-272-2271. The examiner can normally be reached on M-Th from 7am-4pm, and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BB

6/23/2005

**BRYAN BUI**  
**PRIMARY EXAMINER**

